

ATTORNEY DOCKET: AUS920010503US1

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Section III: REMARKS

It is respectfully requested that the changes as noted above in Sections I and II be made to the present application.

In the above referenced Office Action, which was mailed on 10/27/2005, the Abstract was objected to as having more than 150 words. The Abstract has herein been amended to include exactly 150 words and, as herein amended, the Abstract is believed to be in condition for allowance.

Next, the specification was objected to under 37 CFR 1.75(d)(1) as failing to provide antecedent basis for claims 22 and 23. Claims 22 and 23 have herein been amended, as suggested by the Examiner, to recite "said user selection" instead of "said user selection information". As herein amended, claims 22 and 23 are believed to be allowable under 37 CFR 1.75(d)(1).

Next, claim 28 was rejected under 35 USC 101 as being directed to non-statutory subject matter, it being stated that "the mere incorporation of data on a disk is considered non-functional descriptive material". Claim 28 has herein been amended to recite a programmed product which is executable by a computer system to provide program signals effective to accomplish the stated functions. Claim 28 is included to protect applicant's invention when the invention is implemented as a programmed product, e.g. in a CD or when downloaded to a computer system and executed from memory to accomplish the stated functions. Thus, as herein amended, claim 28 is submitted to be allowable under 35 USC 101.

Next, claims 19-23 were rejected under 35 USC 102(b) as being anticipated by Asthana, Cravatts and Krzyzanowski, "An Indoor Wireless System..", IEEE Computer Society Press, December 1994

ATTORNEY DOCKET: AUS920010503US1

PATENT

(hereinafter referred to as "Asthana"), claims 1-18 and 24-29 were rejected under 35 USC 102(e) as being anticipated by Suzuki (U.S. Patent 6,129,274, hereinafter referred to as "Suzuki") and claim 30 was rejected under 35 USC 103(a) as being unpatentable over Suzuki in view of Fajkowski (U.S. Patent 5,905,246, herein referred to as Fajkowski"). The above noted rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims to place them in condition for allowance.

The present invention, in its various implementations, includes features of, for example, sending selected product identifying information to a server, determining discount information including discounts available **from a number of different entities** for the identified product, transmitting the discount information to the customer device for display, **enabling the customer to select a particular discount from the plurality displayed on the customer device**, saving the customer's selection, retrieving the selected discount when the customer is ready to pay for the selected products and **charging the appropriate accounts** for the discounts selected by the customer.

The independent claims of the present application cover various possible implementations and include claims 1 (Method), 19 (Device), 24 (Terminal), 28 (Programmed Product as amended) and 29 (System). All of the independent claims (and therefore all of the remaining dependent claims through dependence from one of the independent claims) have herein been amended to include the

ATTORNEY DOCKET: AUS920010503US1

PATENT

above-noted features which are believed to distinguish the present invention from the cited references. In order to further hasten the prosecution of the present application, claims 6-9, 20, 22-23 and 25 have herein been cancelled without prejudice in the belief that the subject matter of the cancelled claims is protected by the remaining claims.

More specifically, with regard to the rejection of claims 19-23 under 35 USC 102(b) as being anticipated by Asthana, it is noted that Asthana discloses bits and pieces of the present invention but does not disclose or suggest the entire combination of elements and relationships as claimed by the applicant. Asthana discloses only a customer device which is operable to merely locate products identified by the customer and possibly to display if any of the products have a current discount applicable. There is no customer interaction to use the customer device to select one of several possible discounts displayed to the customer on the device. Asthana does not disclose or suggest a methodology by which a customer may select one of a plurality of available discounts and have the selected discount automatically applied to the purchase at checkout time, and also have the selected discount charged to the provider of the selected discount at checkout time. Thus, with the current cancellation of claims 20, 22 and 23 without prejudice, it is submitted that claims 19 and 21, as herein amended, are allowable under 35 USC 102(b) over Asthana.

Next, with regard to the rejection of claims 1-18 and 24-29 under 35 USC 102(e) as being anticipated by Suzuki, it is noted that Suzuki, like Asthana, discloses bits and pieces of the present invention but does not disclose or suggest the entire combination of elements and relationships as claimed by the applicant. Suzuki discloses only the use of a smart card to enable communication

ATTORNEY DOCKET: AUS920010503US1

PATENT

between a personal memory store and point of sale terminals at a retail facility. There is no customer input or customer interaction to use a customer device to select one of several possible discounts displayed to the customer on the device. Suzuki does not disclose or suggest a methodology by which a customer may select one of a plurality of available discounts and have the selected discount automatically applied to the purchase at checkout time, and also have the selected discount charged to the provider of the selected discount at checkout time. Thus it is submitted that, with the current cancellation of claims 6-9 and 25 without prejudice, it is submitted that claims 1-5, 10-18, 24 and 26-29, as herein amended, are allowable under 35 USC 102(e) over Suzuki.

Next, with regard to the rejection of claim 30 under 35 USC 103(a) as being unpatentable over Suzuki in view of Fajkowski, it is noted that Fajkowski discloses a method and apparatus for coupon management and redemption which includes a coupon card with an integrated microprocessor, memory, scanner and communications port. Thus, Fajkowski, and even the combination of Suzuki and Fajkowski, does not disclose or suggest the entire combination of elements and relationships as claimed by the applicant. Neither Suzuki nor Fajkowski discloses or suggests using or even enabling customer input or customer interaction to use **a customer device to select one of several possible discounts displayed to the customer on the device**. Neither Suzuki nor Fajkowski, either individually or in combination, discloses or suggests a methodology by which a customer, using a customer device, may select one of a plurality of available discounts displayed on the device, and have the selected discount automatically applied to the purchase at checkout time, and also have the selected discount charged to the provider of the selected discount at checkout time. Further, there is no

ATTORNEY DOCKET: AUS920010503US1

PATENT

suggestion in either Suzuki or Fajkowski for the hypothetical combination of Suzuki and Fajkowski. Thus it is submitted that, as herein amended, claim 30 is allowable under 35 USC 103(a) over the combination of Suzuki even in view of Fajkowski.

It should be noted that applicant is claiming only that the **total combination** of elements **and relationships** as recited in the claims as herein amended, is neither anticipated nor rendered obvious by the cited references. Applicant is aware the individual elements of any claim can be isolated, and, when standing alone, those elements can be found in existing references. The similarity of various pieces and parts of the references as noted on pages 2-13 of the above-identified Office Action have been noted but it is believed that there is **no suggestion or nexus among the references to even suggest any combination of those references or the total combination of elements and relationships as recited in the claims as herein amended**. Where there is no teaching or suggestion in any of the references for the **specific total combination** of elements **and relationships** among those elements, as claimed by an applicant, it is submitted to be inappropriate to search the prior art using applicant's own disclosure as a recipe, to find piecemeal elements in prior art references for individual claimed elements, and then to combine those references in a manner disclosed only by the applicant in order to reject applicant's own claims.

Thus, it is submitted that claims 1-5, 10-19, 21, 24 and 26-30, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, and especially if one or more new references are cited, the Examiner is invited to contact the undersigned at the telephone number

ATTORNEY DOCKET: AUS920010503US1

PATENT

indicated below, prior to the issuance of another Office Action, in order to allow the applicant the opportunity to further amend the claims by Supplemental Amendment or Examiner's Amendment, as may be appropriate, to place the claims in condition for allowance. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

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